

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 155 OF THE MANSFIELD CODE OF ORDINANCES PERTAINING TO DONATION BOXES; AMENDING THE PERMITTED USE TABLE IN SUBSECTION 155.054(B) TO REQUIRE A SPECIFIC USE PERMIT IN THE OP, C-1, AND C-2 DISTRICTS FOR DONATION BOXES AND TO ALLOW DONATION BOXES AS A PERMITTED ACCESSORY USE TO PLACES OF WORSHIP, NONPROFIT ORGANIZATIONS, AND SCHOOLS WITH WRITTEN CONSENT OF THE PROPERTY OWNER IN THE 2F, MF-1, MF-2, O-P, C-1, C-2, C-3, I-1, AND I-2 DISTRICTS; REVISING THE SPECIAL CONDITIONS FOR DONATION BOXES IN SECTION 155.099; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of Chapter 155 of the Mansfield Code of Ordinances, "Zoning", have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing opportunity to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended; and,

WHEREAS, the City of Mansfield, Texas is a home-rule municipality located in Tarrant County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter; and,

WHEREAS, the City Council has investigated and determined that there has been an increase in the number of persons or entities desiring to collect textiles, clothing, shoes, books, toys, household items and/or other salvageable personal property items for any purposes, which has led to the proliferation of donation boxes in various areas of the City; and,

WHEREAS, Mansfield also has seen the placement of donation boxes in required parking spaces, required landscaped buffer areas, required open space areas and in or near residential zoning districts, often without the property owner's permission; and,

WHEREAS, the proliferation of these containers contributes to visual clutter, and in areas throughout Mansfield, donation boxes have contributed to blight due to graffiti and poor maintenance and the accumulation of debris and excess items outside of the collection boxes; and,

WHEREAS, the City Council also finds that the inability of landowners to accurately identify the owners of such donation boxes has resulted in decreased accountability on the part of donation box owners and operators; and,

WHEREAS, the City Council finds that regulating the size, number, placement,

installation, use and maintenance of donation boxes is necessary for the health, safety and welfare of the general public, the promotion of consistent land uses and development, the protection of property rights and the protection of landowners and residents of Mansfield; and,

WHEREAS, the City Council finds that such minimum blight-related performance standards also are necessary to protect the aesthetic well-being of the community and to promote the tidy and ordered appearance of developed property; and,

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Mansfield to amend Chapter 155 to regulate donation boxes as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1.

That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

That Subsection 155.054(B), “Permitted Use Table,” Table D, of the Code of Ordinances of the City of Mansfield is hereby amended by revising Line 10 to read as follows:

“Permitted Use Table

Residential Districts												Permitted Primary Uses		Nonresidential								
A	SF- 5AC/24	SF- 12/22	SF- 9.6/20	SF- 8.4/18	SF- 8.4/16	SF- 7.5/18	SF- 7.5/16	SF- 7.5/12	SF- 6/12	2F	MF- 1	MF- 2	D. Commercial and Warehouse Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, § 155.091	Special Conditions, § 155.099
													10. Donation Box	S	S	S	S	S	P			40

...”

SECTION 3.

That Subsection 155.099(B), “Special Conditions,” of the Mansfield Code of Ordinances is hereby amended by inserting a new subsection (40) to read as follows:

“(40) Donation Box

- a. Subject to subsection (b). Donation Boxes are permitted as shown in 155.054(B),

“Permitted Use Table,” Table D, and are permitted only as an accessory use on lots or tracts of land for places of worship, nonprofit organizations, and schools with the written consent of the property owner in the 2F, MF-1, MF-2, O-P, C-1, C-2, C-3, I-1, and I-2 Zoning Districts. All Donation Boxes, whether allowed by right, permitted under a Specific Use Permit, or permitted as an accessory use, require issuance of a permit under Chapter 116 of this Code of Ordinances.

b. The placement of Donation Boxes shall comply with the following:

1. Quantity. No more than one (1) Donation Box may be permitted for placement on any one lot or tract of land. In the case of a shopping center or office development that consists of multiple platted lots, the Director of Planning shall treat the shopping center or office development as if it is only one contiguous lot.
2. Distance. No Donation Box shall be located within ~~1000~~250 linear feet of another Donation Box; within 500 linear feet of the right-of-way of U.S. Highway 287, U.S. Business Highway 287, State Highway 360, Farm-to-Market Road 157, Farm-to-Market Road 1187, Farm-to-Market Road 917, Main Street, Debbie Lane, Broad Street, Country Club Drive, Heritage Parkway, Matlock Road, or Lone Star Road; within ~~500~~250 linear feet of any ~~zoning designation that allows residential uses~~, hospital, daycare center, or public or private school or college by right; or within ~~500~~250 linear feet of parks and recreational facilities. ~~The distance limitations in this subsection (2) do not apply to places of worship.~~
3. Measurement. For purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects:
 - a. From the nearest portion of the property line of the premises where the existing business is located to the nearest portion of the property line of the premises where the new business is proposed; or
 - b. From the nearest portion of the right-of-way line of U.S. Highway 287, U.S. Business Highway 287, State Highway 360, Farm-to-Market Road 157, Farm-to-Market Road 1187, Farm-to-Market Road 917, Main Street, Debbie Lane, Broad Street, Country Club Drive, Heritage Parkway, Matlock Road or Lone Star Road to the property line of the premises where the new business is proposed; or
 - c. From the nearest portion of any ~~property~~lot line of a property with a zoning designation permitting residential uses, hospitals, daycare centers, public or private schools or colleges by right or parks and recreational facilities ~~to the property line of the premises where the new business is proposed~~to the location of the Donation Box.

4. Donation Boxes shall be placed on a paved surface, and shall not be located in ~~any designated~~ parking space, aisle or ~~or~~ loading dock space and service area.
5. Donation Boxes shall not be located within in any required landscape buffers.
6. Donation Boxes shall not be located in any designated open space, community space or passive or civic spaces.
7. Donation Boxes shall conform to all applicable building setbacks on the property.
8. Donation Boxes shall be located in a manner to facilitate pickup of donated items by the operator or collection agency.
9. ~~Donation Boxes shall be located within twenty-five (25) feet of the front façade of a building. For the purposes of this subsection, a front façade of a building shall mean the primary entrance point for the public.~~ Donation Boxes shall not be located in the rear of any building which is not a pad site (for the purposes of this provision, a “pad site” is defined as a non-residential building of 6,000 square feet or less).
10. Donation Boxes shall be located a minimum distance of twenty-five (25) feet away from the intersection of two (2) or more fire lanes and/or drive aisles, with the distance measured from the intersecting center lines of the fire lanes and/or drive aisles.
11. The maximum dimensions of a Donation Box shall be six (6) feet in width, four (4) feet in depth and seven (~~6~~7) feet in height.
12. Prior to placement of a Donation Box on a property, a Donation Box Permit must be obtained in accordance with Chapter 116 of the Code of Ordinances.
13. Donation Boxes shall be painted or stained with a low reflectance and subtle, neutral or earth-tone color scheme. High-intensity colors, metallic colors, black, or fluorescent colors shall be prohibited.
14. Donation Boxes shall be safely designed in a manner that prevents such structures from tipping over or permitting people to enter.”

SECTION 4.

That the requirements of this Ordinance shall apply to all Donation Boxes regardless of whether the boxes were placed prior to the effective date of these regulations, except that any donation boxes existing on the effective date of these regulations shall come into compliance with the requirements of Chapter 155 not later than thirty (30) days from the approval date of this Ordinance. Donation Boxes existing on or before the approval date of this Ordinance shall have no legally existing non-conforming rights and shall immediately comply with Section 155.054(B),

“Permitted Use Table,” Table D, provided, however, that for existing Donation Boxes which require a Specific Use Permit, enforcement of Chapter 155 will be stayed so long as application for a Specific Use Permit is submitted within thirty (30) days of the approval date of this Ordinance. The stay on enforcement will continue for a Donation Box while the Specific Use Permit application is pending, but no later than one-hundred twenty (120) days from the approval date of this Ordinance.

SECTION 5.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 7.

Any person, firm or corporation violating any of the provisions of this ordinance or the Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8.

This ordinance shall take effect immediately from and after its passage on the first and final reading and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 9TH DAY OF JANUARY 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney